(2)

Supreme Court, U.S.
FILED
NOV 22 1995

No. 95-653

In The

Supreme Court of the United States

October Term, 1995

HONDA MOTOR CO., LTD., AMERICAN HONDA MOTOR CO., INC., AND HONDA R & D CO., LTD.,

Petitioners,

versus

JAMES C. SATCHER,

Respondent.

Petition For Writ Of Certiorari To The United States Court Of Appeals For The Fifth Circuit

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

WILTON L. STRICKLAND
P. O. Box 14246
Ft. Lauderdale, FL 33302
Telephone: (305) 760-4700

RAY FERRERO, JR.
FERRERO AND MIDDLEBROOKS, PA
P. O. Box 14604
Ft. Lauderdale, FL 33316
Telephone: (305) 462-4500

MACK E. BARHAM
ROBERT E. ARCENEAUX*
BARHAM & ARCENEAUX, PLC
Poydras Center, Suite 2700
650 Poydras Street
New Orleans, LA 70130
Telephone: (504) 525-4400

PETER K. SMITH
103 Dabbs Avenue
Quitman, MS 39355
Telephone: (601) 776-2237

Attorneys For Respondent, James C. Satcher

* Counsel of Record

COCKLE LAW BRIEF PRINTING CO., (800) 225-6964
OR CALL COLLECT (402) 342-2831

BEST AVAILABLE COPY

18 pp

QUESTIONS PRESENTED

Rule 15.2 requires that an opposition to a petition for writ of certiorari "should address any perceived misstatement of fact or law in the petition that bears on what issues properly would be before the Court if certiorari were granted." Sup.Ct.R. 15.2. The penalty for failure to make such an admonition to the Court in an opposition is a possible waiver in the event certiorari is granted.

The Questions Presented by Honda Motor Company in its petition for certiorari contain a material misstatement, which when corrected, completely eviscerates the justification given by Honda for this Court's consideration of this case. Question 1 is predicated upon the assumption of "the district court's failure to charge the jury with the applicable substantive law." Question Two likewise presupposes a case where "the district court failed to correctly instruct the jury on the law applicable to the case." *See* Honda's Petition, at i and ii. The assumption and presupposition are false, and it is the falsity of this assumption that is the heart of the lower courts' refusal to grant Honda a new trial. While the district court certainly did not convey to the jury a classic "risk/utility" products liability instruction, its "consumer expectations" instruction required the jury to make a "risk/utility" determination as an element of an "consumer expectations" inquiry. While the jury may have been asked to include in its determination of liability additional considerations other than simply balancing the risk and utility of the product, it was certainly entreated to minimally make the "risk/utility" assessment. That the

QUESTIONS PRESENTED – Continued

jury found against Honda under the more stringent "consumer expectations" test necessarily means that the jury found that the risk presented by Honda's product outweighed its utility. Only Satcher would have cause to complain that the jury was given a more stringent instruction, had the jury found against him. However, since the jury applied the higher standard, which included, as an element, the "risk/utility" formulation, and found against Honda under the more rigorous test, Honda's contention that the jury was not properly instructed on the applicable substantive law is a half-truth that does not constitute the solid ground necessary to support the weight of Honda's petition.

TABLE OF CONTENTS

Page

QUESTIONS PRESENTED i

TABLE OF AUTHORITIES iv

REASONS WHY THE WRIT SHOULD NOT BE GRANTED 1

CONCLUSION 10

TABLE OF AUTHORITIES

Page

CASES

American Trucking Assoc., Inc., v. Smith, 496 U.S. 167, 110 S.Ct. 2323, 110 L.Ed.2d 148 (1990) 7

Batts v. Tow-Motor Forklift Co., 978 F.2d 1386 (5th Cir. 1992) 1

Baughn v. Honda Motor Co., Ltd., 727 P.2d 655 (Wash. 1986) 4

Beavercreek Local School District v. Basics, Inc., 595 N.E.2d 360 (Ohio App.), *cert. denied*, 575 N.E.2d 219 (Ohio 1991) 4

Castrignano v. E. R. Squibb & Sons, Inc., 900 F.2d 455 (1st Cir. 1990) 8, 9

Cavalier Carpets, Inc. v. Caylor, 746 F.2d 749 (11th Cir. 1984) 9

Chevron Oil Co. v. Huson, 404 U.S. 97, 92 S.Ct. 349, 30 L.Ed.2d 296 (1971) 6

Cracker v. McCotter, 805 F.2d 538 (5th Cir. 1986) 7

Del Rio Distributing, Inc. v. Adolph Coors Co., 589 F.2d 176 (5th Cir.), *cert. denied*, 444 U.S. 840, 100 S.Ct. 80, 62 L.Ed.2d 52 (1979) 8

Dewey v. Brown & Williamson Tobacco Corp., 542 A.2d 919 (N.J. App. 1988), *aff'd in part, rev'd on other grounds*, 577 A.2d 1239 (N.J. 1990) 4

E.E.O.C. v. Vacutech, 842 F.2d 936 (7th Cir. 1988) 8

Goldsmith v. Diamond Shamrock Corp., 767 F.2d 411 (8th Cir. 1985) 10

Goode v. Herman Miller, Inc., 811 F.2d 866 (5th Cir. 1987) 4

TABLE OF AUTHORITIES – Continued

Page

Great Northern Ry. Co. v. Sunburst Oil & Refining Co., 287 U.S. 358, 53 S.Ct. 145, 77 L.Ed. 360 (1932) 7

Grubbs v. Gulf Intern. Marine, Inc., 985 F.2d 762 (5th Cir. 1993), *modified on other grounds* by 13 F.3d 168 (5th Cir. 1994) 6

Hall v. Mississippi Chemical, 528 So.2d 796 (Miss. 1988) 1, 4

Kaiser Aluminum & Chemical Corp. v. Bonjorno, 494 U.S. 827, 110 S.Ct. 1570, 108 L.Ed.2d 842 (1990) 7

Matter of Texas Mortgage Services Corp., 761 F.2d 1068 (5th Cir. 1985) 5

McLean v. International Harvester Co., 902 F.2d 372 (5th Cir. 1990) 5

Melton v. Deere & Co., 887 F.2d 1241 (5th Cir. 1989) 1

Metromedia Co. v. Fugazy, 983 F.2d 350 (2d Cir. 1992), *cert. denied*, ___ U.S. ___, 113 S.Ct. 2445, 124 L.Ed.2d 662 (1993) 8

Moorehead v. Mitsubishi Aircraft Intern., Inc., 828 F.2d 278 (5th Cir. 1987) 6

Reed v. Tiffin Motor Homes, Inc., 697 F.2d 1192 (4th Cir. 1982) 4

Rosebud Sioux Tribe v. State of South Dakota, 900 F.2d 1164 (8th Cir. 1990), *cert. denied*, 500 U.S. 915, 111 S.Ct. 2009, 114 L.Ed.2d 98 (1991) 5

Samuels v. Doctors Hospital, Inc., 588 F.2d 485 (5th Cir. 1979) 6

Satcher v. Honda Motor Co., 855 F.Supp. 886 (S.D. Miss. 1994) 3, 9

TABLE OF AUTHORITIES – Continued

Page

Satcher v. Honda Motor Co., 984 F.2d 135 (5th Cir. 1993) (vacated on rehearing) 1

Sioux Ltd., Sec. Litigation v. Coopers & Lybrand, 914 F.2d 61 (5th Cir. 1990) 6

Sperry-New Holland v. Prestage, 617 So.2d 248 (Miss. 1993) 1, 2, 3, 6

St. Paul Ins. of Bellaire, Texas v. AFIA Worldwide Ins. Co., 937 F.2d 274 (5th Cir. 1991) 6

State Stove Mfg. Co. v. Hodges, 189 So.2d 113 (Miss. 1966), *cert. denied, sub nom. Yates v. Hodges*, 386 U.S. 912, 87 S.Ct. 860, 17 L.Ed.2d 784 (1967) 2

Toney v. Kawasaki Heavy Industries, Ltd., 875 F.2d 162 (5th Cir. 1992) 1

Union Mechling Corp. v. Carmadelle, 624 F.2d 677 (5th Cir. 1980) 8

United States v. Estate of Donnelly, 397 U.S. 286, 90 S.Ct. 1033, 25 L.Ed.2d 312 (1970) 5

United States v. Security Industrial Bank, 459 U.S. 70, 103 S.Ct. 407, 74 L.Ed.2d 235 (1982) 7

Vandenbark v. Owens-Illinois Glass Co., 311 U.S. 538, 61 S.Ct. 347, 85 L.Ed. 327 (1941) 1, 2, 6

Whittley v. City of Meridian, 530 So.2d 1341 (Miss. 1988) 1, 4

Williams v. United States Elevator Corp., 920 F.2d 1019 (D.C. Cir. 1990) 6, 8

TABLE OF AUTHORITIES – Continued

Page

STATUTES

Sup.Ct.R. 15.2 i

OTHER

Restatement (Second) of Torts § 402A 2, 3

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

REASONS WHY THE WRIT SHOULD NOT BE GRANTED

1.

Honda's *Erie* contention is entirely predicated upon the view that the federal courts have failed to follow Mississippi law. But, it was the federal courts' absolute insistence on following the *latest* expression of Mississippi law that compelled them to apply *Sperry-New Holland v. Prestage*, 617 So.2d 248, 253 (Miss. 1993), as they were *Erie* bound to do. *See Vandenbark v. Owens-Illinois Glass Co.*, 311 U.S. 538, 543, 61 S.Ct. 347, 350, 85 L.Ed. 327 (1941).

Honda's complaint, then, is not with the federal court's application of *Erie*, but with the Mississippi Supreme Court's holding in *Prestage* that its rejection of the "open and obvious" defense did not change Mississippi law, but simply reflected the state of Mississippi law since its decisions in *Whittley v. City of Meridian*, 530 So.2d 1341 (Miss. 1988), and *Hall v. Mississippi Chemical*, 528 So.2d 796 (Miss. 1988). *See* 617 So.2d at 253. To be sure, this holding is at odds with the Fifth Circuit Court of Appeals' pattern of decisions all holding that, despite *Hall*, Mississippi embraced the "open and obvious" defense. *See Satcher v. Honda Motor Co.*, 984 F.2d 135 (5th Cir. 1993) (vacated on rehearing); *Batts v. Tow-Motor Forklift Co.*, 978 F.2d 1386 (5th Cir. 1992); *Toney v. Kawasaki Heavy Industries, Ltd.*, 875 F.2d 162, 167 (5th Cir. 1992), and *Melton v. Deere & Co.*, 887 F.2d 1241, 1243 (5th Cir.

1989). *Prestage* proves that these Fifth Circuit cases were all simply incorrect interpretations of Mississippi law.

The real question presented by this case, then, is whether *Erie* (or some other doctrine) compels a federal court to *reject* the latest expression of Mississippi law (*Prestage*'s express statement that it did not change the law) in order to perpetuate an erroneous line of federal jurisprudence interpreting federal law. This Court has already answered that question in *Vandenbark*.

Moreover, Honda's contention is entirely premised on the notion that "consumer expectations" and "risk/utility" are not simply two ways of examining the same question, which is false. Mississippi first adopted the language of the Restatement (Second) of Torts 402A's product liability cause of action in *State Stove Mfg. Co. v. Hodges*, 189 So.2d 113 (Miss. 1966), *cert. denied, sub nom. Yates v. Hodges*, 386 U.S. 912, 87 S.Ct. 860, 17 L.Ed.2d 784 (1967).[1] In *Prestage*, the Mississippi Supreme Court confirmed that "section 402A is still the law in Mississippi." 617 So.2d at 254. The only difference is in the analytical framework to be employed to determine whether a defective condition, unreasonably dangerous to the user, the

---

[1] The term "consumer expectations" was introduced through comment (i) to Section 402A. The comment states that "the article sold must be dangerous to an extent beyond that which would be contemplated by the ordinary consumer who purchases it, with the ordinary knowledge common to the community as to its characteristics." Restatement (Second) of Torts § 402A (1965).

linchpin of liability under 402A, exists.[2] As the district court stated, "under either analysis, 'consumer expectations' or 'risk utility,' the jury has to make the same basic finding, that is that the product was in 'a defective condition unreasonably dangerous.' The theory is the same. The only difference is the analysis." *Satcher v. Honda Motor Co.*, 855 F.Supp. 886 (S.D. Miss. 1994).

When the two analytical frameworks are compared, the supposed differences discussed by Honda's brief become much more elusive than real. The only real difference is the availability of the patent danger rule. The "consumer expectations" theory, as applied in Mississippi, did not so much define under what circumstances a plaintiff *could* recover, as it did prohibit the circumstances under which he or she *could not* recover. *Prestage*'s entire explanation of the theory is that "for a plaintiff to recover, the defect in a product which causes his injuries must not be one which the plaintiff, as an ordinary consumer, would know to be unreasonably dangerous to him." 617 So.2d 254. No where is the "defect" which must be unknown, or the standard to be employed to find a "defect," defined. Under the "risk/utility" theory, "a product is unreasonably dangerous if a reasonable person would conclude that the danger-in-fact, whether foreseeable or not, outweighs the utility of the product." *Id.* The *only* differentiation between the two methodologies observed by the Mississippi Supreme Court is in the

---

[2] Under 402A, the plaintiff must prove that he or she (1) was injured by the product, (2) the injury resulted from a defective condition unreasonably dangerous to the user, and (3) the defect existed at the time it left the hands of the manufacturer.

relevance of the plaintiff's knowledge or perception of the danger. Under the "consumer expectations" theory, it is dispositive; under the "risk/utility" theory, it is merely one factor to be examined. 617 So.2d at 256 n.4.

The plaintiff's burden with regard to the existence of an unreasonable defect is, in reality, not different. "In determining a consumer's expectations regarding a product's safety, factors such as the relative cost of the product, the gravity of the potential harm from the claimed defect and the cost and feasibility of eliminating or minimizing the risk are to be considered." *Baughn v. Honda Motor Co., Ltd.*, 727 P.2d 655, 660 (Wash. 1986). The balancing of risk versus utility is "necessarily relevant to a determination that the product, as designed, is unreasonably dangerous in its failure to conform to ordinary consumer's expectations." *Reed v. Tiffin Motor Homes, Inc.*, 697 F.2d 1192, 1195 (4th Cir. 1982), interpreting Restatement 402A's "consumer expectations" theory under South Carolina law. Mississippi law is the same. *See Hall v. Mississippi Chemical Exp., Inc., supra,* and *Whittley v. City of Meridian, supra.*[3]

---

[3] Perhaps for this reason, most courts have found that the "consumer expectations" theory and the "risk/utility" test are not mutually exclusive. *See Beavercreek Local School District v. Basics, Inc.*, 595 N.E.2d 360, 375 (Ohio App.), *cert. denied*, 575 N.E.2d 219 (Ohio 1991); *Dewey v. Brown & Williamson Tobacco Corp.*, 542 A.2d 919, 925 (N.J. App. 1988), *aff'd in part, rev'd on other grounds*, 577 A.2d 1239 (N.J. 1990). *See, e.g, Goode v. Herman Miller, Inc.*, 811 F.2d 866, 869 (5th Cir. 1987) (Louisiana law), noting that product was defective under *both* theories.

2.

Honda's due process claim was not preserved for appellate review. It is well-settled that new issues will not be considered for the first time on appeal. *See McLean v. International Harvester Co.*, 902 F.2d 372, 374 (5th Cir. 1990); *Matter of Texas Mortgage Services Corp.*, 761 F.2d 1068, 1073 (5th Cir. 1985). This rule is particularly appropriate when constitutional questions are not raised before the trial court. Here, the only previous reference to Honda's constitutional challenge is one sentence in its Response to Plaintiff's Motion to Reaffirm Judgment, wherein it states that "[n]either due process nor justice permit" less than a new trial. 13 R 3552. This oblique reference hardly preserves the full blown due process contention raised for the first time on appeal and now before this Court.

In any event, Honda's "due process" claim is totally specious. It is grounded upon the assumption that Honda has some constitutional right to rely on or take advantage of previous federal jurisprudence that the Mississippi Supreme Court has now declared to be erroneous. There is no rule of constitutional law that gives a civil litigant a vested, or even a reliance, interest in erroneous jurisprudence. *See Rosebud Sioux Tribe v. State of South Dakota*, 900 F.2d 1164, 1173 (8th Cir. 1990), *cert. denied*, 500 U.S. 915, 111 S.Ct. 2009, 114 L.Ed.2d 98 (1991), citing *United States v. Estate of Donnelly*, 397 U.S. 286, 295, 90 S.Ct. 1033, 1038, 25 L.Ed.2d 312 (1970) ("A party does not, of course, have a vested right in a judicial decision."). As a consequence of the *Erie* doctrine, "the duty rests upon federal courts (in diversity cases) to apply state law under the Rules of Decision statute in accordance with the then controlling

decision of the highest state court," so long as a case is still pending. *See Vandenbark v. Owen's-Illinois Glass Co., supra,* 311 U.S. at 543, 61 S.Ct. at 350 (1941); *Grubbs v. Gulf Intern. Marine, Inc.,* 985 F.2d 762, 763 (5th Cir. 1993), *modified on other grounds* by 13 F.3d 168 (5th Cir. 1994). This is so even if the most recent pronouncement represents a "change" in the law. *See St. Paul Ins. of Bellaire, Texas v. AFIA Worldwide Ins. Co.,* 937 F.2d 274, 278 (5th Cir. 1991); *Sioux Ltd., Sec. Litigation v. Coopers & Lybrand,* 914 F.2d 61 (5th Cir. 1990).

The only limitation on this rule is *Chevron Oil Co. v. Huson,* 404 U.S. 97, 92 S.Ct. 349, 30 L.Ed.2d 296 (1971), which provides that under certain circumstances, a judicial decision may not be retroactively applied. However, *Chevron* does not apply here. First, the initial element of the *Chevron* test is whether the judicial decision actually "changes" the law. As explained above, *Prestage* may have overruled erroneous prior jurisprudence, but it did not change the law. Second, the *Chevron* test has no application in diversity cases. There, the only inquiry is whether the state court decision would be retroactively applied by the state court. *See Williams v. United States Elevator Corp.,* 920 F.2d 1019, 1026 n.1 (D.C. Cir. 1990) (Edwards, J., dissenting) *and numerous cases cited therein; see also Samuels v. Doctors Hospital, Inc.,* 588 F.2d 485, 489 n.8 (5th Cir. 1979).[4]

---

[4] There is no question that the Mississippi Supreme Court would apply *Prestage* retroactively, given the holding that there was no present change in the law and the application of the holding of the case to the facts before the court. *See Moorehead v. Mitsubishi Aircraft Intern., Inc.,* 828 F.2d 278, 289 (5th Cir. 1987).

In a diversity case, the issue "is not a true question of retroactivity, but a question of a controlling precedent intervening between the date on which a lower court ruled and the date on which the ruling is considered on appeal." *Cracker v. McCotter*, 805 F.2d 538, 542 (5th Cir. 1986). Indeed, retroactivity cannot be a constitutional issue since "judicial decision[s] . . . are traditionally regarded as an expression of **pre-existing** law." *Kaiser Aluminum & Chemical Corp. v. Bonjorno*, 494 U.S. 827, 543, 110 S.Ct. 1570, 108 L.Ed.2d 842 (1990) (Scalia, J., concurring), *citing United States v. Security Industrial Bank*, 459 U.S. 70, 79, 103 S.Ct. 407, 74 L.Ed.2d 235 (1982) ("The principle that statutes operate only prospectively, while judicial decisions operate retrospectively, is familiar to every law student.").

> We have no occasion to consider whether this division of time of the effects of a decision is a sound or an unsound application of the doctrine of *stare decisis* as known to the common law. **Sound or unsound, there is involved in it no denial of a right protected by the federal constitution.** . . . A state in defining the limits of adherence to precedent may make a choice for itself between the principal of forward operation and that of relation backward.

Great Northern Ry. Co. v. Sunburst Oil & Refining Co., 287 U.S. 358, 364, 53 S.Ct. 145, 148, 77 L.Ed. 360 (1932), cited in *American Trucking Assoc., Inc., v. Smith*, 496 U.S. 167, 110 S.Ct. 2323, 2340, 110 L.Ed.2d 148 (1990). What appears to be "unfairness" to Honda, is certainly not constitutionally offensive, and is no more than the allocation of the burden of surprise "between two surprised parties [to] the party who guessed wrong about the direction in

which the law was moving." *E.E.O.C. v. Vacutech*, 842 F.2d 936, 941 (7th Cir. 1988).

3.

Honda's claim that the lower courts have so egregiously departed from established procedure as to justify this Court's intervention is simply false. Assuming that error was committed, absent a showing of prejudice, Honda is not entitled to a new trial. See *Metromedia Co. v. Fugazy*, 983 F.2d 350, 364-65 (2d Cir. 1992), *cert denied*, ___ U.S. ___, 113 S.Ct. 2445, 124 L.Ed.2d 662 (1993), wherein the court refused to grant a new trial even though an obvious error in instructing the jury as to a fundamental element of the plaintiff's claim had been made because there was no showing that, had the correct instruction been given and the jury arrived at the same conclusion, its finding could have been "set aside for lack of evidence." *See also Union Mechling Corp. v. Carmadelle*, 624 F.2d 677, 679 (5th Cir. 1980), citing *Del Rio Distributing, Inc. v. Adolph Coors Co.*, 589 F.2d 176, 178-79 (5th Cir.), *cert. denied*, 444 U.S. 840, 100 S.Ct. 80, 62 L.Ed.2d 52 (1979) ("denial of a motion for new trial based on changes in the law reversible on appeal only for prejudicial error or manifest injustice"). *See also Williams v. United States Elevator Corp., supra* ("Regardless of the retroactivity [of the post-judgment decision purportedly changing the law,] the alleged error in the jury instructions was harmless and does not require us to remand this case for a new trial."). *Castrignano v. E. R. Squibb & Sons, Inc.*, 900 F.2d 455, 458 (1st Cir. 1990) (defendant not entitled to new trial based upon change in law unless application of the new law "could have led to a different outcome in this case.");

Cavalier Carpets, Inc. v. Caylor, 746 F.2d 749, 758-59 (11th Cir. 1984) (holding party not entitled to a new trial based upon post-judgment change in the law where the error was harmless, and finding that even an improper burden of proof could be harmless and thus not prejudicial, where a fair view of the jury's verdict and the evidence reflects that the jury would have found against the party even under the correct standard).

Honda has not articulated a single fact, legal theory, or issue that would have been tried differently had a pure "risk/utility" charge been given to the jury. While Honda complains about the fact it was led to try the case one way, and should be given a chance to try it another (a second bite at the apple that every losing litigant would love to receive), it has *never* before articulated to either the district court, the appellate court, or now this Court, what it would do differently if given that chance.

Moreover, Honda never asked for a "risk/utility" instruction, as recognized by the district court. *See* 855 F.Supp. at 896. In fact, both parties voluntarily selected, in the midst of a hotly contested debate, the theory under which they believed they had the best chance of success, which was "consumer expectations." Honda believed this was preferable because it was a higher burden for Satcher to meet; Satcher selected this test because of Fifth Circuit precedent in order to prevent reversible error. Honda took its best shot and lost. Now it wants a second shot, because second best is better than losing. This is hardly the kind of manifest injustice required to entitle Honda to a new trial. *See Castrignano, supra*, 900 F.2d at 462 (defendant who "gambled that it would be entitled to prevail on its claim of entitlement to the application of comment to

Restatement 402A," but who ultimately lost that wager by a post-judgment decision of the Rhode Island Supreme Court, not entitled to the "pay off" of a new trial); *Goldsmith v. Diamond Shamrock Corp.*, 767 F.2d 411, 416 (8th Cir. 1985) ("[C]ourts generally find no ground for reversal when the instruction given was consistent with the position of the party seeking relief," and such relief would be "particularly anomalous" where "the error is in [the complainant's] favor.").

CONCLUSION

Honda has not presented this Court with a cert-worthy issue. Its petition for writ of certiorari should be denied.

Respectfully submitted,

WILTON L. STRICKLAND
P. O. Box 14246
Ft. Lauderdale, FL 33302
Telephone: (305) 760-4700

RAY FERRERO, JR.
FERRERO AND MIDDLEBROOKS, PA
P. O. Box 14604
Ft. Lauderdale, FL 33316
Telephone: (305) 462-4500

MACK E. BARHAM
ROBERT E. ARCENEAUX *
BARHAM & ARCENEAUX
A Professional Law Corporation
Poydras Center, Suite 2700
650 Poydras Street
New Orleans, LA 70130
Telephone: (504) 525-4400

PETER K. SMITH
103 Dabbs Avenue
Quitman, MS 39355
Telephone: (601) 776-2237

Attorneys for Respondent, James C. Satcher

* Counsel of Record